IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.2403 of 2007

Vijaykumar Manik Mohite — Petitioner
Vs.
Ambadas @ Ambaji Rajayya — Respondents

Mr.S.S.Shah for petitioner.

Mr.S.D.Thokade for resp.no.1.

CORAM: B.H.MARLAPALLE, J.

May 03, 2007.

P.C.

. Heard Mr.Shah, the learned counsel for the petitioner-tenant. Perused the plaint and particularly para 1 and para 1-A of the same. By the impugned order, the eviction decree has been stayed on the condition that the petitioner goes on depositing an amount of Rs.1000/- per month by the 10th of each month towards damages / mesne profits in the trial Court and even on a single default in depositing the amount in the trial Court stay would automatically stand vacated. This is in addition to the direction to deposit arrears of rent. The conditions imposed for staying the execution of the decree of eviction, in the impugned order by the lower Appellate Court do not appear to be unjust and this interlocutory order passed by the lower

Appellate Court, therefore, does not call for interference under Article 227 of the Constitution.

. The petition is rejected summarily.

(B.H.MARL